

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

WENDOL LEE

PLAINTIFF

V.

CIVIL ACTION NO. 3:14-cv-56-CWR-FKB

STATE OF MISSISSIPPI LEGISLATORS, ET AL.

DEFENDANTS

ORDER

This cause is before the Court on Defendants’ Motion to Require Specific Reply to Immunity Defenses [9]. Having considered the motion and supporting memorandum, and having received no response in opposition, the Court concludes that the motion should be, and is hereby, granted.

Plaintiff, who is proceeding *pro se* in this Section 1983 case, challenges Mississippi’s habitual offender laws. He seeks damages and a change in the law. [1] Though Plaintiff states in his Complaint that he “had been a victim of the 99-19-81 statute,” he does not provide any specifics as to any convictions and/or sentences. Nor has Plaintiff indicated how any particular Defendant allegedly violated Plaintiff’s constitutional rights. Plaintiff merely alleges that the statutes he referenced are unconstitutional, both as written and as applied, and should be changed.

Defendants have raised legislative immunity, sovereign immunity, Eleventh Amendment immunity and qualified immunity in their answers. [8] By the instant motion, Defendants contend that pursuant to Fed. R. Civ. P. 7(a) and *Schultea v. Wood*, 47 F.3d 1427 (5<sup>th</sup> Cir. 1995), they are entitled to a more definite statement of relevant facts and facts Plaintiff alleges

overcome immunity.

The Court orders Plaintiff to file, by June 23, 2014, a more definite statement of his claims against each Defendant, specifying how he alleges each Defendant violated his constitutional rights. Plaintiff is further ordered to allege with particularity any facts necessary to overcome the immunity defenses raised.

SO ORDERED, this the 30th day of May, 2014.

/s/ F. Keith Ball  
UNITED STATES MAGISTRATE JUDGE